

## UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

**Filed**

SEP - 1 2017

United States of America

v.

Michael Gene Rushing  
currently being housed at Hinds County Detention  
Center, Raymond, Mississippi

U.S. Magistrate Judge

Case No.

3:17-mj-579-FKB  
(UNDER SEAL)

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 30, 2017 in the county of Hinds in the  
Southern District of Mississippi, the defendant(s) violated:

*Code Section*

2252, 2252A and 2422(b)

*Offense Description*

Michael Gene Rushing engaged in sexually explicit conduct with a minor under the age of 16. Also, Rushing video recorded the sexual acts and possessed other images of minors under the age of eighteen engaging in sexually explicit conduct.

This criminal complaint is based on these facts:

See Attached Affidavit of Task Force Agent Richard Johnson, FBI attached hereto and incorporated herein by reference.

☒ Continued on the attached sheet.



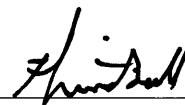
Complainant's signature

Task Force Agent, Richard Johnson, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/01/2017



Judge's signature

City and state: Jackson, Mississippi

Hon. F. Keith Ball, U. S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION FOR A SEARCH WARRANT  
AND CRIMINAL COMPLAINT**

I, Richard Johnson, a Task Force Officer (TFO) with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I am a certified law enforcement officer being duly certified in 1999 by the State of Mississippi and have worked in law enforcement for eighteen (18) years. During these eighteen (18) years I have investigated numerous types of violations such as narcotics violations, public integrity violations and cybercrime offenses. I obtained a Bachelor of Science in Criminal Justice Degree in May of 1999 from Delta State University. Throughout my law enforcement career, I have received specialized training and have received numerous certificates pertaining to law enforcement. For the past eight (8) years I have been employed with the Mississippi Attorney General's Office as an Internet Crimes Against Children Investigator. I have investigated cybertips that are distributed by the National Center for Missing and Exploited Children (NCMEC). I have also been involved in investigating Peer to Peer cases as well as online chat cases involving child exploitation. I have received training in cyber crimes and computer forensics. I have also received training in investigative techniques and undercover chat for internet crimes against children. I am currently assigned to the Federal Bureau of Investigation Child Exploitation Task Force.

2. I have been assigned as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) since December 1, 2013, and am currently assigned to the Jackson Division of the FBI. While employed by the FBI, I have investigated federal criminal violations related to

child exploitation and child pornography. I have gained experience through training opportunities and everyday work related to conducting these types of investigations.

3. As a Task Force Officer, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

**CURRENT INVESTIGATION**

4. I am investigating the activities of Michael Gene Rushing involved in possessing and producing child pornography. Rushing is currently held in the Hinds County Detention Center on state drug charges. The search warrant executed at 950 Gallitan Street, Jackson, Mississippi on August 30, 2017, by the Mississippi Attorney General's Office was issued for possible violations of Mississippi State Statute 41-29-139, possession with intent to distribute and 97-3-54 Human Trafficking. Based on the execution of that search warrant there is probable cause to believe that Michael Gene Rushing has produced and is in possession of child pornography in violation of Title 18 U.S.C. §§ 2252(a)(1), 2252(a)(2), 2252(a)(4)(B), 2252A(a)(1), 2252A(a)(2), and 2252A(a)(5)(B); and I submit this application and affidavit in support of a search warrant authorizing a search and forensic examination of the digital media seized during the execution of that search warrant and the digital devices that are currently stored at the Mississippi Attorney General's Office evidence vault located at 550 High Street, Jackson, Mississippi 39201; and in further support of a criminal complaint.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of crimes, contraband, fruits of crimes, or other items illegally possessed and property

designed or intended for use, or used in committing a crime in violation of Title 18 U.S.C. §§ 2252(a) and 2252A are present at 550 High Street, Jackson, Ms. 39201.

#### **Statutory Authority**

6. Title 18, United States Code, Section 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, or possessing any visual depiction of minors engaging in sexually explicit conduct when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce. Title 18, United States Code, Section 2252A prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, or possessing any child pornography, as defined in 18 U.S.C. § 2256(8), when such child pornography was either mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or when such child pornography was produced using materials that had traveled in interstate or foreign commerce.

#### **Investigation**

7. The Mississippi Attorney General's Office received information from Shelia Tucker who is an investigator with the Rankin County Sheriff's Office in reference to a possible human trafficking suspect. Mrs. Tucker stated that her office took a 13 year old female juvenile into custody on drug charges. Mrs. Tucker stated that during their initial interview with the juvenile she disclosed she was purchasing her narcotics such as marijuana, pills and cocaine from 950 Gallatin Street Jackson Ms. 39204 from Mike Rushing. The juvenile also disclosed that she witnessed 3 young girls in the bed of Mr. Rushing and stated that they were possibly 12 to 14

years of age. The juvenile stated that one asked her for help and stated she was only 12. An investigation was initiated by the Office of the Attorney General into the allegations. During the course of the investigation, information was obtained that the Mississippi Bureau of Narcotics along with the Drug Enforcement Administration (DEA) had already been investigating Mr. Rushing in reference to narcotic sales out of the business. Mississippi Bureau of Narcotics (MBN) agent Allen as well as Special Agent Thomas Deichman from the (DEA) advised they had reliable information that narcotic sales were being conducted in and around the business of Mr. Rushing due to surveillance and information their offices had received. During the interview with the juvenile in custody she disclosed to Investigator Shelia Tucker, she would perform oral sex on Mr. Rushing in exchange for illegal narcotics.

A search warrant was issued by Hinds County Court Judge Melvin Priester on August 30, 2017. The search warrant was executed on August 30, 2017. During the execution of the search warrant, drugs (Cocaine Hydrochloride approximately 5 grams and 2 dosage units of hydrocodone) were seized. Digital Media was also seized such as:

W.D Passport SN# WXHIEC4D761X  
19 SD Cards  
Samsung telephone belonging to Michael Rushing  
LG Cell phone SN#411CYME527201  
2 Sony Hand Held Cameras  
Dell Laptop SN#Unreadable  
Sony Laptop #X11-45376  
1 Dell Tower SN#00043-459-792-247  
2 black case with numerous DVDS  
Cool Pix Camera SN#33288967  
DVR System SN#PXDVR 732L-0810  
DVR System Business Cameras

8. During the execution of the search warrant a video was viewed on a Samsung Cellular phone device belonging to Michael Gene Rushing. The video was of the 13 year old victim performing oral sex on Michael Rushing.

9. On August 31, 2017 Task Force Officer (TFO) Richard Johnson and Special Agent (SA) Cynthia Bobe talked to the 13 year old victim that is at Rankin County Juvenile Detention Center. She state she knows "Mike" Rushing from the auto parts store on Gallitan Street in Jackson, Mississippi. She has been over there numerous times for drugs. She would get marijuana, cocaine and Xanax bars. She also worked there sweeping and cleaning. She performed oral sex on "Mike" Rushing while he videoed it with his phone. She said she could only remember doing this once but there could be more videos because her memory is bad from all the drugs. She said she told him she is 15 years old and he said if you were younger than 15 years old I wouldn't give you this cocaine.

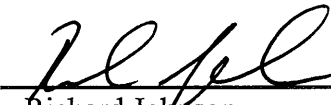
10. On August 30, 2017, TFO Johnson and SA Bobe went to the Hinds County Detention Center to speak with Michael Gene Rushing. Mr. Rushing was read his Miranda Warning and agreed to speak with TFO Johnson and SA Bobe. Mr. Rushing admitted to knowing the 13 year old. He said he thought she was 18 years old but she did look young. Rushing said, "she could have been 16 but that is age of consent, right?". He admitted to videotaping her with his camcorder. Rushing would play the video on the television screen and then record it on his phone.

### **Conclusion**

11. Based upon the information contained in this affidavit, your Affiant has reason to believe that images, records, evidence, fruits and instrumentalities relating to violations of Title 18, United States Code, Sections, 2252 and 2252A et seq. exists. Your Affiant further believes that images, records, evidence, fruits and instrumentalities are located in this digital media that was seized at 950 Gallitan Street, Jackson, Mississippi, but is currently in the evidence vault located at 550 High Street, Jackson, Mississippi which is the Mississippi Attorney General's

Office. The electronic media listed above is contraband, the fruits of crime, things otherwise criminally possessed, or property which is, or has been used as, the means of committing the foregoing offenses.

12. It is further respectfully requested that this Court issue an Order Sealing, until further order of this Court, all papers submitted in support of the Application, including the Application, Affidavit, and Search Warrant, and the requisite inventory notice. Sealing is necessary because the information in this affidavit is relevant to an ongoing investigation and premature disclosure of the contents of this affidavit and related documents may have a negative impact on this continuing investigation and may jeopardize its effectiveness.

  
\_\_\_\_\_  
Richard Johnson  
Task Force Officer  
Federal Bureau of Investigation

Subscribed and sworn to before me this 1<sup>st</sup> day of September 2017.

  
\_\_\_\_\_  
United States Magistrate Judge

**ATTACHMENT A**

*Property to be searched*

The items in possession of the Mississippi Attorney General's Office located at 550 High Street, Jackson, Mississippi to include the following:

W.D Passport SN# WXHIEC4D761X  
19 SD Cards  
Samsung telephone belonging to Michael Rushing  
LG Cell phone SN#411CYME527201  
2 Sony Hand Held Cameras  
Dell Laptop SN#Unreadable  
Sony Laptop #X11-45376  
1 Dell Tower SN#00043-459-792-247  
2 black case with numerous DVDS  
Cool Pix Camera SN#33288967  
DVR System SN#PXDVR 732L-0810  
DVR System Business Cameras

**ATTACHMENT B**

1. All records on the devices described in Attachment A that relate to violations of of 18 U.S.C. §§ 2252(a)(1) and 2252A(a)(1), which make it a crime to transport or ship child pornography in, or using a facility of, interstate or foreign commerce; 18 U.S.C. §§ 2252(a)(4)(B) and 2252A(a)(5)(B), which make it a crime to possess or knowingly access with intent to view, child pornography; violations of 18 U.S.C. §§ 2252(a)(2) and 2252A(a)(2), which make it a crime to receive or distribute child pornography in, or using a facility of, interstate or foreign commerce; 18 U.S.C. 2251(a), which prohibits a person from employing, using, persuading, inducing, enticing and coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct; 18 U.S.C. 2422(b), which prohibits a person who knowingly persuades, induces, entices, or coerces and individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.

- a. Information that reflects an interest in, or access to, websites that contain images or videos depicting child pornography, in any form wherever it may be stored or found, including hard copy or digital notes, files, or logs.
- b. Images of child pornography and files containing images of child pornography in any form wherever they may be stored or found.
- c. Photographs that appear to depict children under the age of eighteen (18) for the purposes of victim identification.
- d. Photographs or material that appears to be obscene and evidence same was sent to an individual under the age of sixteen (16).

2. Evidence of user attribution showing who used or owned the device at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.